



Docket No.: GR 98 P 2018 P

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By: W. S.

Date: May 17, 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Bernhard Raaf  
Applic. No. : 09/699,835  
Filed : October 30, 2000  
Title : Data Transmission with Interruption Phases

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PETITION FOR ACCELERATED EXAMINATION UNDER MPEP 708.02(VIII)

Hon. Commissioner of Patents and Trademarks,  
Washington, D. C. 20231

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Sir:

Technology Center 2600

The above-identified application is a new application which has not received any examination by the Examiner. Applicant requests that the application be granted special status on the basis of the following items:

(A) The fee set forth in 37 CFR 1.17(i) in the amount of \$130.00 is enclosed herewith.

(B) All of the claims are directed to a single invention and the Office is requested to make such a determination. Should a restriction be deemed necessary, counsel requests a telephone call during which such an election would be made.

(C) It is herewith stated that a pre-examination search was made. The search was made by the European Patent Office in the corresponding International parent application. Copies of forms PCT/ISA/220 and PCT/ISA/210 are enclosed herewith. Reference is had to the patent family listing on the last page of the International Search Report, which points to U.S. Patent 5,533,014 as corresponding to International Publication WO 94/29981.

(D) A copy of each of the references deemed most closely related to the subject matter encompassed by the claims was submitted to the Patent Office on October 30, 2000 together with an Information Disclosure Statement and Form PTOL 1449.

(E) International Publication WO 94/29981 (Ericsson) was considered an anticipatory reference in the International Search Report. However, the International Examination considered this reference as only pertinent and characterized the independent claims as distinguished over the reference both in terms of novelty and in terms of inventive step. These concepts are related to the questions of anticipation and non-obviousness, respectively.

Claim 1 is distinguished from the International reference in several features. Most importantly, the primary feature which distinguishes the claimed invention from the reference is the requirement that

"at least one continuous interruption phase [extends] over at least a portion of a first frame and over at least a portion of a [successive] second frame."

This feature defines the novelty as well as the non-obviousness of the claimed invention. The object of the claimed invention is to provide an improved method for data transmission which, with small delay times for data evaluation in the receiving station, allows one or more interruption phases in order to process other functions.

An essential advantage of the invention is that the segments of the interruption phase within the individual frames can be kept to a minimum and, accordingly, the likelihood that redundantly transmitted data are not received due to transmission disturbances is very small. The International reference discloses interruption phases only within individual data frames.

This is equally true with regard to GB 2 297 460 (Motorola). There, the interruption phases extend within individual data frames.

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Specific reference is had to the summary and Figs. 2a, 2b of the International Publication WO 94/29981. There is disclosed a method for non-continuous transmission for seamless hand-over in DS-CDMA systems. Reduced spreading of the data allows an interruption phase where the data only fill a portion of the data frame and, accordingly, there results a gap in the reception. The gap can be utilized for other tasks. There is no suggestion in the document towards the features of the independent claims.

The other references listed in the Search Report and submitted by counsel define related applications and background information which have no direct bearing on the allowability of the claims.

The Office is requested to afford this new application special status for accelerated examination under the provisions outlined in MPEP 708.02(VIII).

Respectfully submitted,



For Applicant

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